



## Myth vs Fact:

### Protecting Americans from Foreign Adversary Controlled Applications Act

*The social media application TikTok is a unique threat posed to U.S. national security through its ownership by ByteDance – a Chinese company answerable by law to the Chinese Communist Party (CCP) and Chinese intelligence services. This relationship allows ByteDance to gather extensive data on U.S. citizens, potentially exposing their personal information to the Chinese government. Moreover, this vulnerability leaves the door open for China to manipulate the platform to influence and mislead Americans. The proven national security risks associated with TikTok cannot be adequately addressed as long as ByteDance remains its owner.*

*Congress can and should address this through legislation, but TikTok has been quick to attack any legislative proposal by spreading lies about its abuses and potential solutions. The following myths can be easily disproved to show addressing TikTok's ownership is a commonsense way to protect millions of American citizens from exploitation and manipulation by the Chinese Communist Party.*

#### **Myth #1: This bill would ban TikTok.**

**FACT: The bill gives TikTok a choice: either its Chinese parent company, ByteDance, must divest its ownership and sell the application to a non-Chinese, non-Russian, non-Iranian, or non-North Korean buyer, or the app will face restrictions on its availability in U.S. app stores, such as those operated by Google or Apple.** Access to the app would only be disrupted if ByteDance refuses to comply with the divestiture requirement.

#### **Myth #2: This bill targets TikTok users.**

**FACT: This does not include any enforcement action against individual TikTok users.** In contrast, the bill requires covered applications to provide users with their data in a format that can be transferred to another social media app.



**Myth #3: This bill would violate the 1<sup>st</sup> amendment and censor free speech.**

**FACT: The bill does nothing to restrict any content users post or any matter that might implicate the 1<sup>st</sup> amendment.** It narrowly limits foreign ownership of applications to not include foreign adversaries. Regulating business conduct, not content, has long been upheld by the Supreme Court as distinct from the 1<sup>st</sup> Amendment.

**Myth #4: TikTok's abuse should be addressed through privacy legislation.**

**FACT: Simply enacting privacy laws to restrict the access of data from China would not resolve the myriad issues stemming from CCP control of TikTok.** The company claimed to do this through its infamous "Project Texas" yet, as the Wall Street Journal reported, personnel in China simply continued to access user data. Even strict privacy standards, such as those imposed in the EU, do not adequately address influence campaigns and the promotion of content harmful to children. Privacy laws would help, but they will not address the full scope of the national security threat emanating from CCP control over TikTok via ByteDance.

**Myth #5: This bill would make other social media companies more powerful.**

**FACT: Nearly every TikTok user in the U.S. already uses other social media profiles.** In fact, separating TikTok from its Chinese owners would likely make the app itself more attractive to potential users who are currently hesitant due to security concerns.

**Myth #6: The bill gives the President an expansive new power to ban other apps.**

**FACT: The proposed legislation does not grant the President broad authority to ban apps at will.** Instead, it establishes a stringent set of criteria that must be met before the narrow prohibition on foreign ownership can be applied to other applications. First, an application would need to be owned and controlled by China, Russia, Iran, or North Korea. Next, it must pose a significant threat to U.S. national security. Then the President must document and publicly disclose that threat to the U.S. Congress before initiating any enforcement actions against an application.



**Myth #7: This bill is a slippery slope that would be used against conservatives.**

**FACT: The bill leaves no room for interpretation by bureaucrats when it comes to the question of ownership.** It explicitly and narrowly defines the scope of its application to foreign adversary-controlled applications and associated websites controlled by China, Russia, Iran, or North Korea that pose a national security threat—a list that is both in statute and can only be changed by an act of Congress. (The reference to “websites” exists to ensure that foreign adversary controlled websites like TikTok.com don’t live on once app stores prohibit the apps themselves from being downloaded, should divestment fail.) Further, no individual users of the app can be targeted by the bill’s enforcement mechanisms.

**Myth #8: TikTok is too big for anyone to buy.**

**FACT: Despite TikTok's estimated value of hundreds of billions of dollars, several potential buyers have expressed interest in acquiring the company outright in recent years.** The prospect of this legislation has further increased interest in such a deal. If ByteDance chooses not to sell TikTok following the passage of this bill, it would strongly suggest that the Chinese Communist Party board members have a significant non-financial motive to maintain the app's surveillance capabilities for the Chinese government.

## Resources

- [Heritage Tech Expert Applauds New Policy Efforts to Thwart TikTok Threat](#)
- The Heritage Foundation: [TikTok Generation: A CCP Official in Every Pocket](#)
- The Heritage Foundation: [Countering China](#)